

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

Civ. Action No.: 14-cv-00029-AB

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**JOINT APPLICATION BY CO-LEAD CLASS COUNSEL AND
COUNSEL FOR THE NATIONAL FOOTBALL LEAGUE AND NFL
PROPERTIES LLC FOR APPOINTMENT OF TWO ADDITIONAL
APPEALS ADVISORY PANEL MEMBERS**

Co-Lead Class Counsel and Counsel for the National Football League and NFL Properties LLC ("Counsel for the NFL Parties") hereby recommend for appointment by the Court two additional members of the Appeals Advisory Panel (the "AAP").

The Settlement Agreement creates a panel of experts for the Settlement Program, the AAP. The AAP was originally contemplated to be composed of five (5) board-certified neurologists, board-certified neuro-surgeons, and/or other board-certified neuro-specialist

physicians that are agreed to and jointly recommended by Co-Lead Class Counsel and Counsel for the NFL Parties, and appointed by the Court.

A member of the Appeals Advisory Panel will, among other things: (1) review certain Qualifying Diagnoses made prior to the Effective Date of the Settlement Agreement, pursuant to Section 6.4 of the Settlement Agreement; (2) review and decide whether a Retired NFL Football Player has a given level of Neurocognitive Impairment when the Qualified BAP Providers who examined the Retired NFL Football Player are not in agreement and the BAP Administrator elects, in its discretion, to refer the matter pursuant to Section 5.13 of the Settlement Agreement; and (3) be available to advise the Court or the Special Masters with respect to medical aspects of the Class Action Settlement.

On April 14, 2017, Co-Lead Class Counsel and Counsel for the NFL Parties submitted their Application for Appointment of the Appeals Advisory Panel and Appeals Advisory Panel Consultants (D.E. 7479). On May 4, 2017, the Court Appointed the AAP and Appeals Advisory Panel Consultants (D.E. 7603). These AAP members were Dr. James Brewer, Dr. David Geldmacher, Dr. Stephan Mayer,¹ Dr. Aaron McMurtry and Dr. Rhonna Shatz.

On February 27, 2018, Co-Lead Class Counsel and Counsel for the NFL Parties submitted their Application for Appointment of Two Appeals Advisory Panel Members and Removal of One Appeals Advisory Panel Member (D.E. 9753). On March 5, 2018, the Court appointed the two new AAP members and removed one of the original AAP members (D.E. 9757). The new AAP members included Dr. Brian Ott and Dr. Mary Quiceno.

¹ Dr. Mayer is no longer a member of the AAP. See D.E. 9757.

In consultation with the Claims Administrator, Co-Lead Class Counsel and Counsel for the NFL Parties have determined that the appointment of additional AAP members is appropriate given the demands on the time of the AAP in the implementation and on-going administration of the Settlement Program.

Accordingly, having consulted with additional candidates for the AAP, Co-Lead Class Counsel and Counsel for the NFL Parties recommend for appointment Dr. Paul Fishman and Dr. Robert Friedland. Dr. Fishman is currently Professor in the Departments of Neurology, Anatomy and Neurobiology, and Pharmacology at the University of Maryland School of Medicine, and has served as Director of Research for the Department of Neurology and Chairman of the School of Medicine's Institutional Review Board for oversight of clinical research. Dr. Fishman has been at the lead in development of novel therapeutics for neurodegenerative disorders such as Parkinson's disease and Alzheimer's disease. He has served for over a decade as Chief of Neurology Service for the Veterans Affairs Maryland Healthcare System in addition to his active clinical engagement with patients.

Dr. Friedland is the Mason C. and Mary D. Rudd Chair Professor of Neurology and Chief of the Laboratory of Neurogeriatrics in the Department of Neurology at the University of Louisville School of Medicine. Dr. Friedland is currently a visiting professor at Shiga University of Medical Science, Otsu, Japan, and has been a visiting professor at the Institute of Public Health of Cambridge University. Prior to joining the University of Louisville, where he has served as Chair of the Neurology Department, Dr. Friedland served as faculty at leading universities, including the University of California—Davis, University of California—Berkeley, Georgetown University, and Case Western Reserve

University. He has also served as the Chief of Brain Aging and Dementia Section of the Laboratory of Neurosciences of the National Institute on Aging and as its Deputy Clinical Director. He is also the Director of the Checkmating Dementia Foundation.

The current curriculum vitae for each of the recommended candidates for the AAP are attached hereto as Exhibit "A" (Dr. Fishman) and Exhibit "B" (Dr. Friedland).

Based on the conversations the Parties have had with these two candidates and consideration of their qualifications, including their professional and academic training and experience, Co-Lead Class Counsel and Counsel for the NFL Parties respectfully request that the Court appoint Drs. Fishman and Friedland to serve on the AAP.

It is so STIPULATED AND AGREED,

By: 

Date: 8/30/2018

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By: 

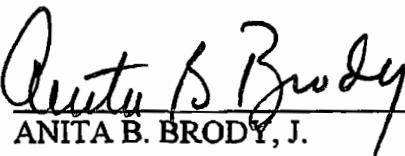
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Co-Lead Class Counsel

Counsel for the NFL Parties

It is so ORDERED, this 4th day of September, 2018, that the recommended candidates for the AAP are APPROVED.


ANITA B. BRODY, J.

Copies VIA ECF on _____ to:

Copies MAILED on _____ to:

CERTIFICATE OF SERVICE

I, Christopher A. Seeger, hereby certify that a true and correct copy of the foregoing was served electronically via the Court's electronic filing system on the date below upon all counsel of record in this matter.

Dated: August 30, 2018

Respectfully submitted,

/s/ Christopher A. Seeger
Christopher A. Seeger